

# Exhibit A

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

MARY T. BASSETT, M.D., M.P.H., as Commissioner of Health  
of the State of New York, to determine the action to be taken with  
respect to:

DYGERT ROAD SCHOOL  
Dygart Road  
Palatine Bridge, New York 13428

NOTICE  
  
OF  
  
HEARING

Respondent,

arising out of alleged violations of Article 21 of the Public Health  
Law of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR").

---

TO: Principal  
Dygart Road School  
Dygart Road  
Palatine Bridge, New York 13428

***PLEASE TAKE NOTICE*** that a hearing will be held before an Administrative Law

Judge on the following dates, time and place:

DATES: May 2, 2022

TIME: 12:00 P.M.

PLACE: Remote, via WebEx Videoconference, or in-person at:  
Montgomery County Annex Building, Rm. 214  
20 Park Street  
Fonda, New York 12068

The hearing will relate to alleged violations of Article 21, Title 6, of the New York State Public Health Law (“PHL”), and Part 66 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“NYCRR”) as set forth in the Statement of Charges which is attached to and made a part of this document.

The hearing will be held in accordance with PHL § 12-a, Article 3 of the State Administrative Procedure Act (“SAPA”) and 10 NYCRR Part 51. A stenographic record of all proceedings will be made and witnesses will be sworn and examined. The Respondent may appear in person or by an attorney, testify, present documentary evidence, produce witnesses, cross-examine adverse witnesses, examine such evidence as may be produced and request the issuance of subpoenas. The burden of proof at the hearing will be on the Department.

If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. At the conclusion of the hearing, the Administrative Law Judge will prepare a report, including findings of fact, conclusions, and recommendations, based on evidence presented at the hearing. After receipt of the report of the Administrative Law Judge, the Commissioner will make a final determination whether to sustain the charges alleged; whether a civil penalty, not to exceed Two Thousand Dollars (\$2,000) per violation, should be assessed against the Respondent pursuant to PHL §§ 12 and 206; and whether such other action should also be taken as may be authorized by the Public Health Law.

Pursuant to 10 NYCRR 51.5, an answer to the charges may be served on the Department no later than three (3) days before the initial hearing date. An answer is

required if affirmative defenses are to be raised at the hearing. The answer may be sent to the Division of Legal Affairs, New York State Department of Health, Corning Tower, Room 2412, Empire State Plaza, Albany, New York 12237-0029, to the attention of the Department's assigned attorney whose name and telephone number appear below.

Pursuant to SAPA § 301(6), if any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to and the testimony of any deaf person.

If the Respondent does not speak English or has difficulty understanding English, the Respondent may request an interpreter to assist them at the hearing by contacting the Administrative Law Judge assigned to their case. The Respondent must request an interpreter before their hearing.

Any request for adjournment of the hearing must be made in writing to the Supervising Administrative Law Judge, Bureau of Adjudication, New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, New York, 12204. Notice of any adjournment request must also be provided to the Department's assigned attorney whose name and telephone number appear below. SCHEDULED HEARING DATES ARE CONSIDERED DATES CERTAIN AND WILL NOT BE ADJOURNED WITHOUT A COMPELLING REASON.

DATED: Albany, New York  
March 7, 2022

MARY T. BASSETT, M.D., M.P.H.  
Commissioner of Health

BY:



Susan G. Cartier, Esq.  
Acting Deputy General Counsel  
Division of Legal Affairs  
Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237  
(518) 474-7553  
susan.cartier@health.ny.gov

**Inquiries to:**

Vanessa Murphy, Senior Attorney  
New York State Department of Health  
Bureau of Administrative Hearings  
Corning Tower Building, Room 2412  
Empire State Plaza  
Albany, New York 12237-0029  
518-473-1707  
vanessa.murphy@health.ny.gov

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

MARY T. BASSETT, M.D., M.P.H., as Commissioner of Health  
of the State of New York, to determine the action to be taken with  
respect to:

DYGERT ROAD SCHOOL  
Dygart Road  
Palatine Bridge, New York 13428

STATEMENT

OF

CHARGES

Respondent,

arising out of alleged violations of Article 21 of the Public Health  
Law of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR").

---

The Commissioner of Health of the State of New York, upon information and  
belief, charges and alleges that:

CHARGE 1

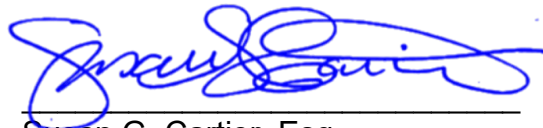
The Respondent violated PHL § 2164(7)(a), 10 NYCRR 66-1.3, and 10 NYCRR  
66-1.4 by admitting 26 students (identified in the Appendix to this Statement of  
Charges) and continuing to let such students attend school in excess of fourteen (14)  
days from the initial date of such students' attendance during the 2021-2022 school  
year without having on file: (1) a certificate of immunization against the diseases set  
forth in PHL § 2164, demonstrating administration of immunizations in accordance with  
the schedule for immunizations set forth in 10 NYCRR 66-1.1(f); and/or (2)  
documentation that the student is immune from disease to the extent permitted by 10

NYCRR 66-1.1(g); and/or (3) a signed medical exemption form approved by the Department and completed by a licensed physician or certified nurse practitioner in accordance with requirements set forth in 10 NYCRR 66-1.3, which must include information sufficient to identify a medical contraindication to a specific immunization and the length of time such immunization is medically contraindicated.

DATED: Albany, New York  
March 7, 2022

MARY T. BASSETT, M.D., M.P.H.  
Commissioner of Health

BY:



Susan G. Cartier, Esq.  
Acting Deputy General Counsel  
Division of Legal Affairs  
Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237  
(518) 474-7553  
susan.cartier@health.ny.gov

STATEMENT OF CHARGES  
APPENDIX

1. E. [REDACTED] (DOB: [REDACTED] /2011)
2. A. [REDACTED] (DOB: [REDACTED] /2008)
3. M. [REDACTED] (DOB: [REDACTED] /2009)
4. D. [REDACTED] (DOB: [REDACTED] /2012)
5. L. [REDACTED] (DOB: [REDACTED] /2012)
6. E. [REDACTED] (DOB: [REDACTED] /2011)
7. S. [REDACTED] (DOB: [REDACTED] /2011)
8. A. [REDACTED] (DOB: [REDACTED] /2011)
9. D. [REDACTED] (DOB: [REDACTED] /2010)
10. A. [REDACTED] (DOB: [REDACTED] /2009)
11. R. [REDACTED] (DOB: [REDACTED] /2010)
12. L. [REDACTED] (DOB: [REDACTED] /2009)
13. C. [REDACTED] (DOB: [REDACTED] /2009)
14. J. [REDACTED] (DOB: [REDACTED] /2009)
15. A. [REDACTED] (DOB: [REDACTED] /2007)
16. A. [REDACTED] (DOB: [REDACTED] /2008)
17. R. [REDACTED] (DOB: [REDACTED] /2013)
18. J. [REDACTED] (DOB: [REDACTED] /2014)
19. K. [REDACTED] (DOB: [REDACTED] /2014)
20. J. [REDACTED] (DOB: [REDACTED] /2013)
21. N. [REDACTED] (DOB: [REDACTED] /2015)
22. E. [REDACTED] (DOB: [REDACTED] /2015)
23. S. [REDACTED] (DOB: [REDACTED] /2015)
24. H. [REDACTED] (DOB: [REDACTED] /2012)
25. N. [REDACTED] (DOB: [REDACTED] /2012)
26. E. [REDACTED] (DOB: [REDACTED] /2015)



STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

MARY T. BASSETT, M.D., M.P.H., as Commissioner of Health  
of the State of New York, to determine the action to be taken with  
respect to:

SHADY LANE SCHOOL  
Stone Arabia Road  
Fort Plain, New York 13339

NOTICE

OF

HEARING

Respondent,

arising out of alleged violations of Article 21 of the Public Health  
Law of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR").

---

TO: Principal  
Shady Lane School  
Stone Arabia Road  
Fort Plain, New York 13339

***PLEASE TAKE NOTICE*** that a hearing will be held before an Administrative Law

Judge on the following dates, time and place:

DATES: May 2, 2022

TIME: 3:00 P.M.

PLACE: Remote, via WebEx Videoconference, or in-person at:  
Montgomery County Annex Building, Rm. 214  
20 Park Street  
Fonda, New York 12068

The hearing will relate to alleged violations of Article 21, Title 6, of the New York State Public Health Law (“PHL”), and Part 66 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“NYCRR”) as set forth in the Statement of Charges which is attached to and made a part of this document.

The hearing will be held in accordance with PHL § 12-a, Article 3 of the State Administrative Procedure Act (“SAPA”) and 10 NYCRR Part 51. A stenographic record of all proceedings will be made and witnesses will be sworn and examined. The Respondent may appear in person or by an attorney, testify, present documentary evidence, produce witnesses, cross-examine adverse witnesses, examine such evidence as may be produced and request the issuance of subpoenas. The burden of proof at the hearing will be on the Department.

If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. At the conclusion of the hearing, the Administrative Law Judge will prepare a report, including findings of fact, conclusions, and recommendations, based on evidence presented at the hearing. After receipt of the report of the Administrative Law Judge, the Commissioner will make a final determination whether to sustain the charges alleged; whether a civil penalty, not to exceed Two Thousand Dollars (\$2,000) per violation, should be assessed against the Respondent pursuant to PHL §§ 12 and 206; and whether such other action should also be taken as may be authorized by the Public Health Law.

Pursuant to 10 NYCRR 51.5, an answer to the charges may be served on the Department no later than three (3) days before the initial hearing date. An answer is

required if affirmative defenses are to be raised at the hearing. The answer may be sent to the Division of Legal Affairs, New York State Department of Health, Corning Tower, Room 2412, Empire State Plaza, Albany, New York 12237-0029, to the attention of the Department's assigned attorney whose name and telephone number appear below.

Pursuant to SAPA § 301(6), if any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to and the testimony of any deaf person.

If the Respondent does not speak English or has difficulty understanding English, the Respondent may request an interpreter to assist them at the hearing by contacting the Administrative Law Judge assigned to their case. The Respondent must request an interpreter before their hearing.

Any request for adjournment of the hearing must be made in writing to the Supervising Administrative Law Judge, Bureau of Adjudication, New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, New York, 12204. Notice of any adjournment request must also be provided to the Department's assigned attorney whose name and telephone number appear below. SCHEDULED HEARING DATES ARE CONSIDERED DATES CERTAIN AND WILL NOT BE ADJOURNED WITHOUT A COMPELLING REASON.

DATED: Albany, New York  
March 7, 2022

MARY T. BASSETT, M.D., M.P.H.  
Commissioner of Health

BY:



Susan G. Cartier, Esq.  
Acting Deputy General Counsel  
Division of Legal Affairs  
Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237  
(518) 474-7553  
susan.cartier@health.ny.gov

**Inquiries to:**

Vanessa Murphy, Senior Attorney  
New York State Department of Health  
Bureau of Administrative Hearings  
Corning Tower Building, Room 2412  
Empire State Plaza  
Albany, New York 12237-0029  
518-473-1707  
vanessa.murphy@health.ny.gov

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

MARY T. BASSETT, M.D., M.P.H., as Commissioner of Health  
of the State of New York, to determine the action to be taken with  
respect to:

SHADY LANE SCHOOL  
Stone Arabia Road  
Fort Plain, New York 13339

STATEMENT

OF

CHARGES

Respondent,

arising out of alleged violations of Article 21 of the Public Health  
Law of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR").

---

The Commissioner of Health of the State of New York, upon information and  
belief, charges and alleges that:

CHARGE 1

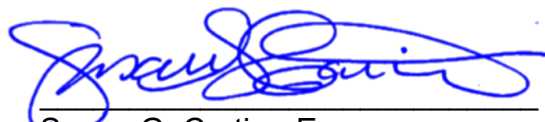
The Respondent violated PHL § 2164(7)(a), 10 NYCRR 66-1.3, and 10 NYCRR  
66-1.4 by not keeping immunization documentation for students on file to demonstrate  
that within fourteen (14) days from the initial date of attendance for the 2021-2022  
school year, students of Shady Lane School had on file: (1) a certificate of immunization  
against the diseases set forth in PHL § 2164, demonstrating administration of  
immunizations in accordance with the schedule for immunizations set forth in 10  
NYCRR 66-1.1(f); and/or (2) documentation that the student is immune from disease to  
the extent permitted by 10 NYCRR 66-1.1(g); and/or (3) a signed medical exemption

form approved by the Department and completed by a licensed physician or certified nurse practitioner in accordance with requirements set forth in 10 NYCRR 66-1.3, which must include information sufficient to identify a medical contraindication to a specific immunization and the length of time such immunization is medically contraindicated.

DATED: Albany, New York  
March 7, 2022

MARY T. BASSETT, M.D., M.P.H.  
Commissioner of Health

BY:



Susan G. Cartier, Esq.  
Acting Deputy General Counsel  
Division of Legal Affairs  
Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237  
(518) 474-7553  
susan.cartier@health.ny.gov

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

MARY T. BASSETT, M.D., M.P.H., as Commissioner of Health  
of the State of New York, to determine the action to be taken with  
respect to:

PLEASANT VIEW SCHOOL  
Buel Road  
Canajoharie, New York 13317

NOTICE

OF

HEARING

Respondent,

arising out of alleged violations of Article 21 of the Public Health  
Law of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR").

---

TO: Principal  
Pleasant View School  
Buel Road  
Canajoharie, New York 13317

***PLEASE TAKE NOTICE*** that a hearing will be held before an Administrative Law

Judge on the following date, time and place:

DATES: May 2, 2022

TIME: 1:00 P.M.

PLACE: Remote, via WebEx Videoconference, or in-person at:  
Montgomery County Annex Building, Rm. 214  
20 Park Street  
Fonda, New York 12068

The hearing will relate to alleged violations of Article 21, Title 6, of the New York State Public Health Law (“PHL”), and Part 66 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“NYCRR”) as set forth in the Statement of Charges which is attached to and made a part of this document.

The hearing will be held in accordance with PHL § 12-a, Article 3 of the State Administrative Procedure Act (“SAPA”) and 10 NYCRR Part 51. A stenographic record of all proceedings will be made and witnesses will be sworn and examined. The Respondent may appear in person or by an attorney, testify, present documentary evidence, produce witnesses, cross-examine adverse witnesses, examine such evidence as may be produced and request the issuance of subpoenas. The burden of proof at the hearing will be on the Department.

If the Respondent does not appear at the hearing, either in person or by an attorney, the hearing may proceed. At the conclusion of the hearing, the Administrative Law Judge will prepare a report, including findings of fact, conclusions, and recommendations, based on evidence presented at the hearing. After receipt of the report of the Administrative Law Judge, the Commissioner will make a final determination whether to sustain the charges alleged; whether a civil penalty, not to exceed Two Thousand Dollars (\$2,000) per violation, should be assessed against the Respondent pursuant to PHL §§ 12 and 206; and whether such other action should also be taken as may be authorized by the Public Health Law.



Pursuant to 10 NYCRR 51.5, an answer to the charges may be served on the Department no later than three (3) days before the initial hearing date. An answer is required if affirmative defenses are to be raised at the hearing. The answer may be sent to the Division of Legal Affairs, New York State Department of Health, Corning Tower, Room 2412, Empire State Plaza, Albany, New York 12237-0029, to the attention of the Department's assigned attorney whose name and telephone number appear below.

Pursuant to SAPA § 301(6), if any party or witness to this proceeding is a deaf person, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to and the testimony of any deaf person.

If the Respondent does not speak English or has difficulty understanding English, the Respondent may request an interpreter to assist them at the hearing by contacting the Administrative Law Judge assigned to their case. The Respondent must request an interpreter before their hearing.

Any request for adjournment of the hearing must be made in writing to the Supervising Administrative Law Judge, Bureau of Adjudication, New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, New York, 12204. Notice of any adjournment request must also be provided to the Department's assigned attorney whose name and telephone number appear below. SCHEDULED HEARING DATES ARE CONSIDERED DATES CERTAIN AND WILL NOT BE ADJOURNED WITHOUT A COMPELLING REASON.

DATED: Albany, New York  
March 7, 2022

MARY T. BASSETT, M.D., M.P.H.  
Commissioner of Health

BY:



Susan G. Cartier, Esq.  
Acting Deputy General Counsel  
Division of Legal Affairs  
Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237  
(518) 474-7553  
susan.cartier@health.ny.gov

**Inquiries to:**

Vanessa Murphy, Senior Attorney  
New York State Department of Health  
Bureau of Administrative Hearings  
Corning Tower Building, Room 2412  
Empire State Plaza  
Albany, New York 12237-0029  
518-473-1707  
vanessa.murphy@health.ny.gov

STATE OF NEW YORK : DEPARTMENT OF HEALTH

---

IN THE MATTER

OF

MARY T. BASSETT, M.D., M.P.H., as Commissioner of Health  
of the State of New York, to determine the action to be taken with  
respect to:

STATEMENT

PLEASANT VIEW SCHOOL  
Buel Road  
Canajoharie, New York 13317

OF

CHARGES

Respondent,

arising out of alleged violations of Article 21 of the Public Health  
Law of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York ("NYCRR").

---

The Commissioner of Health of the State of New York, upon information and  
belief, charges and alleges that:

CHARGE 1

The Respondent violated PHL § 2164(7)(a), 10 NYCRR 66-1.3, and 10 NYCRR  
66-1.4 by admitting 23 students (identified in the Appendix to this Statement of  
Charges) and continuing to let such students attend school in excess of fourteen (14)  
days from the initial date of such students' attendance during the 2021-2022 school  
year without having on file: (1) a certificate of immunization against the diseases set  
forth in PHL § 2164, demonstrating administration of immunizations in accordance with  
the schedule for immunizations set forth in 10 NYCRR 66-1.1(f); and/or (2)

documentation that the student is immune from disease to the extent permitted by 10 NYCRR 66-1.1(g); and/or (3) a signed medical exemption form approved by the Department and completed by a licensed physician or certified nurse practitioner in accordance with requirements set forth in 10 NYCRR 66-1.3, which must include information sufficient to identify a medical contraindication to a specific immunization and the length of time such immunization is medically contraindicated.

DATED: Albany, New York  
March 7, 2022

MARY T. BASSETT, M.D., M.P.H.  
Commissioner of Health

BY:



Susan G. Cartier, Esq.  
Acting Deputy General Counsel  
Division of Legal Affairs  
Tower Building, Room 2438  
Empire State Plaza  
Albany, New York 12237  
(518) 474-7553  
[susan.cartier@health.ny.gov](mailto:susan.cartier@health.ny.gov)

STATEMENT OF CHARGES  
APPENDIX

1. F. (DOB: /2015)
2. R. (DOB: /2015)
3. K. (DOB: /2015)
4. J. (DOB: /2014)
5. M. (DOB: /2014)
6. A. (DOB: /2013)
7. V. (DOB: /2013)
8. J. (DOB: /2013)
9. J. (DOB: /2013)
10. S. (DOB: /2012)
11. N. (DOB: /2012)
12. B. (DOB: /2012)
13. D. (DOB: /2012)
14. S. (DOB: /2012)
15. A. (DOB: /2011)
16. S. (DOB: /2011)
17. R. (DOB: /2011)
18. A. (DOB: /2010)
19. J. (DOB: /2009)
20. I. (DOB: /2009)
21. M. (DOB: /2009)
22. M. (DOB: /2008)
23. E. (DOB: /2008)